

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-cv-00362-D

DONALD LENELL WILLIAMS,)
)
Plaintiff,)
)
v.)
)
ANDREW M. SAUL,)
Commissioner of)
Social Security,)
)
Defendant.)
)

ORDER

Plaintiff's counsel filed a motion for attorney's fees under 42 U.S.C. § 406(b) in the amount of \$13,170.63. Attorney's fees under 42 U.S.C. § 406(b) are paid from past-due benefits awarded to a successful claimant. Defendant filed a response to the motion noting that, under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. 406(b) in the amount of \$ 7,200 (or 25% of Plaintiff's past-due benefits, whichever is less). Plaintiff's counsel will reimburse Plaintiff any fees previously received under the Equal Access Justice Act ("EAJA"), 28 U.S.C. § 2412.

So ordered, this 14 day of June, 2021.

J. Dever
JAMES C. DEVER III
United States District Judge